

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - ***Petitions if any.**
 - ***Any and all material handed end after the meeting ends.**

**The original is on file at the
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BUSINESS REPORT

**MONTANA SENATE
63rd LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Wednesday, March 6, 2013
Place: Capitol

Time: 3:00 PM
Room: 422

BILLS and RESOLUTIONS HEARD:

SB 355 - Water court review of claims exempt from filing - Sen. Bradley Hamlett
SR 10 - Confirm certain Governor's appointees to board of water well contractors - Sen. Chas Vincent

EXECUTIVE ACTION TAKEN:

Comments:



SEN. Chas Vincent, Chair

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: 3-06-13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
SENATOR CHAS VINCENT, CHAIR	✓	
SENATOR JOHN BRENDEN, VICE CHAIR	✓	
SENATOR DEBBY BARRETT	✓	
SENATOR JENNIFER FIELDER	✓	
SENATOR BRAD HAMLETT		Excused
SENATOR VERDELL JACKSON	✓	
SENATOR CHRISTINE KAUFMANN		Excused
SENATOR JIM KEANE		Excused
SENATOR CLIFF LARSEN		Excused
SENATOR MIKE PHILLIPS	✓	
SENATOR RICK RIPLEY	✓	
SENATOR MATTHEW ROSENDALE	✓	
SENATOR MITCH TROPILA	✓	
SENATOR ED WALKER	✓	



SENATE STANDING COMMITTEE REPORT

March 13, 2013

Page 1 of 1

Mr. President:

We, your committee on **Natural Resources** recommend that **Senate Resolution 10** (first reading copy -- white) **be adopted**.

Signed: _____

A handwritten signature in cursive script, appearing to read "Chas Vincent", written over a horizontal line.

Senator Chas Vincent, Chair

- END -

Committee Vote:

Yes 14, No 0

Fiscal Note Required ____

SR0010002SC.swr

SENATE NATURAL RESOURCES COMMITTEE

Sponsor: **Sen. Chas Vincent**

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE

SENATE NATURAL RESOURCES COMMITTEE

SB 355 - Water court review of claims exempt from filing

Wednesday, March 6, 2013

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

SB 355
Nat. Resources
Hearing on 3-6-13

**ADDITIONAL
DOCUMENTS**

From: MAXINE KORMAN [mailto:kormanmax@hotmail.com]

Sent: Tuesday, February 26, 2013 11:34 AM

To: wranglergallery@hotmail.com; Kolman, Joe; angusmcintosh2@yahoo.com; dave pippin; fran cummings; Helen Berger; janet; Jeff Pattison; JOHN & CONNIE MORRIS; John Fahlgren; kellyo@ttc-cmc.net; LaMae; Leann Pippin; leerandall_2003@hotmail.com; lyle ophus; Mike & Sue; Nancy, Michael Fred Ereaux; Rocky Crossing Ranch/ Sam J.; scassel@nemont.net; Sierra Dawn Stoneberg Holt; Tom DePuydt; warren, lori taylor; MAXINE KORMAN; clariceinmt@gmail.com; montanasovereign@gmail.com
Subject: SB 355 JUDICIAL DETERMINATION OF EXEMPT FROM FILING WATER RIGHTS

Mr. Kolman could you please see that all the members of the Natural Resource Committee get this? Thank you. I have copied and pasted this directly from the Water Court Website Water Adjudication Advisory Committee link. I hope the information is helpful.

thank you,

Maxine Korman, Hinsdale, Montana 406-648-5536

Subject: FW: Water Adj Advisory Committee Minutes and Executive Summary Option 6

From: MAXINE KORMAN [mailto:kormanmax@hotmail.com]

Sent: Thursday, January 05, 2012 7:58 PM

To: Loble, Bruce; senatorbrenden@gmail.com; iamlost@nemont.net; kellyo@ttc-cmc.net; scassel@nemont.net; spurringx2@yahoo.com; editor@glasgowcourier.com; Carolyn Dufurrena; dave pippin; Diane Rice; Erin Slivka; fran cummings; Jeff Pattison; John Fahlgren; krayton kerns; LaMae; Leann Pippin; lyle ophus; Mike & Sue; Nancy, Michael Fred Ereaux; Ramona Morrison; rick jore; Rocky Crossing Ranch/ Sam J.; Sierra Dawn Stoneberg Holt; Tom DePuydt; wagrep; warren, lori taylor; MAXINE KORMAN; Kolman, Joe

Subject: FW: Water Adj Advisory Committee Minutes and Executive Summary Option 6

Judge Loble,

I appreciate your request that if I needed to re-state Option 6, that I be brief- 5-6 sentences. I will apologize in advance for not being able to be brief. Obviously, I think that the information that I try to bring together must be thorough and I don't want to err and leave out material facts. It is still my firm opinion that the Water Use Act is flawed and it is necessary that all the points that I state be allowed to be presented in order to correct the problem.

I would appreciate having this entire email go to all the members of the water policy committee and I thank you in advance for also sending it to the adjudication advisory committee members.

Your summary stated:

6) Mandatory Refiling and Re-Adjudication of All Vested Claims Option

all water right claimants with pre July 1973 vested water rights would need to file a Declaration of Vested Water Right

1. as stated earlier Montana is a Prior Appropriation Doctrine state and that doctrine in part says "vested and accrued water right" and also "according to local law, custom and decision of courts."
2. the 1884 Constitution declared the waters to be publici juris-open to appropriation by all
3. section 6 of the enabling legislation stated claims of vested rights could still be brought into courts
4. the 1889 Constitution section 15 all water now appropriated or may hereafter be appropriated

5. earlier Montana cases: Thorp v. Freed 1 Mont 651, 1872 - statute void confers power on commissioners (officers) to determine legal rights of parties; is judicial power which is vested in courts rights of plaintiff had become vested and accrued. Repeal of a statute will not destroy vested rights Justice Hiram Knowles wrote that territorial statutes had changed the common law significantly to allow for vested rights to appropriations on public lands

6. Justice Knowles in Cruse v. McCauley in 1889: " ... If a person receives a patent from the United States for land subject only to accrued water rights - that is existing water rights -"

7. Smith v Denniff 24 Mont 20, 1900 - water right legally acquired nature of easement in gross; legal title to land- water right lawfully acquired by appropriation on public domain is used or intended to be used, in no wise affects appropriators title to water right

section 1078 civil code section 1882 civil code

page 2 section 1880 civil code state expressly granted right to appropriate waters of such streams, which right if properly exercised in compliance w/ requirements of statutes, vests in appropriator full legal title to use of such waters by virtue of grant made by this state as owner of water

Easement is interest in land, can't be created, granted or transferred except by operation of law, by an instrument in writing or prescription sec 1500 civil code. By section 1800 civil code right conferred to make valid appropriation on unsold state lands. Under sec 15 Article III const mt use of appropriated water is made public use. The Montana civil code was adopted from the California civil code 1871. My 1897 copy of The Code of Civil Procedure of the State of California Adopted March 11, 1872 and Amended up to and Including 1897:

page 34 Property, Real coextensive with lands, tenements, hereditaments. Page 36 Vested Rights See Sec 8 which is on page 32: also rights accrued ACCRUED RIGHT, not affected by code

8. Gila River v. Green (AZ) the court noted that the vested and accrued water right carried with it the future right of impoundment.

The court further commented upon being struck by the party defending his vested water rights every step of the way

9. Deseret Salt Co. v. Tarpey that a granting act conveys the fee the same as if land patent issued. It has been held that a land patent is perfect, indefeasible title, good even against the government; therefore a prior appropriation water right would also be good even against the government

10. 75-7-104. Vested water rights preserved. This part shall not impair, diminish, divest, or control any existing or vested water rights under the laws of the state of Montana or the United States.

History: En. 26-1516 by Sec. 7, Ch. 463, L. 1975; R.C.M. 1947, 26-1516. <="">

11. 87-5-506. Vested water rights preserved and emergency actions excepted. This part shall not operate or be so construed as to impair, diminish, divest, or control any existing or vested water rights under the laws of the state of Montana or the United States or operate in emergencies such as floods, ice jams, or other conditions causing emergency handling.

History: En. Sec. 6, Ch. 10, L. 1965; R.C.M. 1947, 26-1506.

12. The majority of water compacts in the Montana Code Water Title have the savings provisions protecting vested water rights. The Montana code does say that a provisional permit is not a vested water right.

13. Powell on Real Property, Watercourses & Groundwater- Appropriation RS2339 recognition of pre-existing rights

Permit applications. In all jurisdictions(prior appropriation doctrine states) change is subject to limitation that vested rights of other appropriators not be injured and change in place of use not impair vested rights of others

Washington Supreme Court that appropriation on public lands had by local custom a vested right in the water

Vested rights Underground Water. Statutes contain statement application is subject to existing or vested rights. SD, KS, WY define term "vested right" and many states have other provisions related to a vested or existing right: WA claimant of vested right, NM statute permitting recording declaration

of vested water right, WY provision a person claiming vested right file with state engineer statement. WY,ND priority date of rights vested before passage of their permitting, regulatory acts

14. Ron and Maxine Korman tried to get HB 711 To Recognize Vested Water Rights on Federal Land through an earlier legislative session. DNRC Counsel Tim Hall faxed me a 30 page "fix" which still described these water rights as "existing" and he called repeatedly telling me to call them "existing" because that's what they are. He told me that vested didn't mean what I thought it meant and didn't do what I thought it did.

15. Correspondence from DNRC: August 16,

"The word "vested " has no significance in regard to exempt water rights not claimed in the adjudication

As far as the significance of the term "vested" it is important to note that that word cannot be found anywhere in the Montana Constitution where water is discussed and has no special meaning under Montana law. (I would like to point out that MCA contains a savings provision for vested rights when new political boundaries were created, as well, MK)

16. January 8, 2008 from Tim Hall

Montana water law requires "the impoundment or pit is to be constructed on and will be

accessible to a parcel of land that is owned or under the control of the applicant" (85-2-306

(6)(d) MeA). See the enclosed memo dated December 21, 2007 from Tim Hall, Chief Legal

Counsel.

The Water Use Act at Mont. Code Ann.

§ 85-2-306 (6) & (7) has a

special provision for obtaining permits for completed stockwater pits or reservoirs. If the pit or reservoir meets the following criteria, construction can begin immediately. The stockwater pit or reservoir must be located on a nonperennial stream, have a capacity of less than 15 acre-feet of water, and an annual appropriation of less than 30 acre-feet. The pit or reservoir must also be constructed on a parcel of land that is 40 acres or larger which is owned or under the control of the applicant.

The Department will not process Form 605 applications for Provisional Permit for Completed Stockwater Pit or Reservoir on federal land when the application is received in the name of the grazing permit holder. The water right must be in the name of the federal agency. The same applies for developments on state land

A federal grazing permit does not constitute control of the land. The grazing permit holder does not control other individuals from entering the land for other purposes nor do they control any resources on the land .. The federal agency has control of the land, including control of the grazing. The grazing permit dictates how many animal units will occupy a pasture, when the animals will be allowed to enter the pasture, and how long they will be allowed to stay. Grazing permit holders can also be told to remove the animals at other times, such as when the condition of the pasture is severely degraded due to drought. The grazing permit holder agrees to these terms by signing the grazing permit. Failure to adhere to the terms of the grazing permit can result in cancellation of the permit and trespass charges filed against the permit holder.

anyone who filed a Form 627 has not placed their water right before the Water Court for adjudication and no such water rights claimed on that form will be included in water right decrees.

Point One- this is prima facie evidence that the Water Use Act is in contradiction with the earlier case law, both Montana and United States Supreme Court.

The Appropriative right is a possessory interest elevated to the fee (fee is ownership of the inheritable right to use and is the highest form of ownership) and the Appropriative right is a vested property protected under the federal Constitution

Point Two- this is prima facie evidence that the Water Use Act is in constitutional law, a retroactive alteration of the nature of property. As a matter of constitutional law, a law that retroactively alters the nature of property, is a denial of due process, is an illegal law and cannot stand, can impose no burden, can impose no penalty, is null and void and is as if it had never been passed.

Point three- two of the multitude of findings with regard to vested rights and vested property are that a vested right cannot be taken without the owner's consent.

A vested right cannot be denied due process. Denying a vested water right legal protection as a vested water right, and/or denying a vested water right being presented as a vested water right (and exempt from adjudication requirements) are illegal. If the result is that the vested water right does not show up on a final decree when the law says that the only existing water right is listed on the final decree, then that is a denial of due process. If the vested water right cannot be defended in a court against an "adjudicated" water right, then that is a denial of due process. If by law, a vested water right cannot be proven to exist, be defended, be enforced, then that is a denial of due process.

Redefining a vested water right as an existing water right (existing water right being defined as a water right that is protected as it would have been protected before the water use act- what does that even mean?) is an alteration of a vested property in a vested water right.

Either water rights that pre-date are a vested water right or they have, by law, been retroactively altered and are not vested water rights anymore. That would be an illegal law.

Respectfully,
Maxine Korman

ADDITIONAL DOCUMENTS

From: MAXINE KORMAN [<mailto:kormanmax@hotmail.com>]

Sent: Tuesday, February 26, 2013 8:11 AM

To: wranglergallery@hotmail.com; Kolman, Joe

Cc: angusmcintosh2@yahoo.com; clyde robinson; dave pippin; fran cummings; Helen Berger; janet; Jeff Pattison; JOHN & CONNIE MORRIS; John Fahlgren; kellyo@ttc-cmc.net; LaMae; Leann Pippin; leerandall_2003@hotmail.com; lyle ophus; Mike & Sue; Nancy, Michael Fred Ereaux; Rocky Crossing Ranch/ Sam J.; scassel@nemont.net; Sierra Dawn Stoneberg Holt; Tom DePuydt; warren, lori taylor; clariceinmt@gmail.com; montanasovereign@gmail.com; MAXINE KORMAN

Subject: FW: Expansion of Largely Unknown Treaty Used By Obama To Expand Power To Control Lands and Waters. AND S.B. NO. 355 JUDICIAL DETERMINATION EXEMPT RIGHTS

Mr. Kolman,

Could I ask you to be sure all the committee members of the Natural resources Committee get a copy of this e-mail, please?

Senator Hamlett and Natural Resource Committee members,

I have included the information about the International Boundary Water Treaties for you to consider in S.B.No. 355. These exempt from filing water rights are vested water rights because they were created by putting the water to actual beneficial use as recognized, sanctioned and confirmed by the Act of Congress, R.S. 2339, which is the Prior Appropriation Doctrine. That language appears on the face of the land patent, including the state trust lands and says is part " subject to vested and accrued water rights." Montana law 89-801 R.C.M. said that any stream, creek, ravine, coulee and pothole, natural depression could be appropriated and that law applied to these water rights that were exempt from the filing requirements. The Montana Supreme Court has said that the state, like the federal government granted water rights on unsold lands and that land ownership and water right ownership were independent- after all, that is what the Prior Appropriation Doctrine is; first in time, first in right on state or federal land so long as the land had not been patented, granted or federally reserved. The court also said that full legal title to the water right vested in the appropriator. The court in Thorp v. Freed also said that repeal of a statute does not extinguish vested water rights.

Montana is a Prior Appropriation Doctrine state as confirmed by the Montana Supreme Court in Mettler v. Ames Realty and many of these exempt water rights have a priority date that pre-dates the date of the International Boundary Water Treaty, are appropriative rights that are vested property protected under the federal Constitution; the federal government cannot extinguish those rights. However, they need to be identified and defined as vested water rights, exempt from the filing requirements. The verbatim transcript of the convention of the 1972 Constitution shows a delegate saying that he wanted it in the record so no one would think anyone is trying to take any existing or vested water rights. That clearly shows that, at that time, before the Water Use Act and the statutory definition of "existing water right" existing and vested were synonymous.

Please be sure to do no further harm. The water rights must also not lose the priority date. The law says they may be voluntarily file and there was no penalty for not filing. Anything that takes away the original priority date, especially at this late date is a takings. Please have DNRC provide you with DNRC amicus brief Mildenberger v. Galbraith where DNRC counsel wrote that unless the exemption statute was liberally construed, farmers and ranchers would lose water rights that they were told they did not have to file. The exemption was encouraged by DNRC to cut down their workload and speed up the adjudication; however the idea was to come back to these later.

We have felt our water rights are in jeopardy and have tried for about six years to get this fixed. Because we have lost faith in government in Montana, in 2007 we filed affidavits of priority date of vested water rights and recorded them in the Valley County Clerk and Recorder. We then published Notice for three weeks and recorded the Affidavit of Publication.

I appreciate the Senator's and committee's efforts. Please ensure that the language is amended to read " existing vested water rights exempt from the adjudication filing requirements" and do not impose a penalty of changing the priority date of these water rights because if that original priority date is taken away, then those water rights will have been made worthless and we will not even be afforded the right to file a takings claim and be paid for the value of these water rights. That will all have been accomplished legislatively over a long span of years.

If I can provide any more information, please let me know. It is important that this be done, but it is more important that it be done right. Please, do no more further harm.

Thank you,

Maxine Korman

Hinsdale, Montana, kormanmax@hotmail.com, 406-648-5536

To: kormanmax@hotmail.com

Subject: Expansion of Largely Unknown Treaty Used By Obama To Expand Power To Control Lands and Waters.

Date: Wed, 20 Feb 2013 18:43:10 -0800

From: noreply@maillist.landrights.org

Land Rights Network

American Land Rights Association

PO Box 400 – Battle Ground, WA 98604

Phone: 360-687-3087 – Fax: 360-687-2973

E-mail: alra@pacifier.com

Web Address: <http://www.landrights.org>

Legislative Office: 507 Seward Square SE – Washington, DC 20003

Expansion of Largely Unknown Treaty Used By Obama To Expand Power To Control Lands and Waters.

Approximately 600 Million Acres at issue by U.S./Canada Commission Proposing Massive Expansion of Jurisdiction over Lands & Waters in Northern States and Canada *Problem:* Attempt by Obama Administration to use various wetlands and water jurisdiction tools to gain control over all lands and waters to achieve the goals they failed to win in the last Congress with the Clean Water Restoration Act by former Congressman James Oberstar (D-MN) and former Senator Russ Feingold (D-WI).

This was the bill that tried to remove the word “Navigable” from the Clean Water Act. The Obama Administration is still trying to bypass the word “Navigable” through its new EPA, Corps of Engineers “Wetlands Guidance Regulations” which Congress is trying to defund.

Through an International Watershed Initiative, the Obama Administration is working to expand the jurisdiction of a largely unknown *International Joint Commission (IJC)*, created by the 1909 Boundary Waters Treaty between the U.S. and Canada, proposing to expand their jurisdiction beyond border waters to include entire international watersheds.

-----See map of full jurisdiction boundaries at www.landrights.org

<<http://www.landrights.org/>

It is right on the home page under International Joint Commission.

-----It is estimated that these watersheds include over 600 million acres of lands and waters and possibly a lot more. For example, the International Joint Commission during the Obama Administration has added a plan to expand their jurisdiction over the entire *Interior Columbia Basin Ecosystem Area* that you stopped the BLM and Forest Service from taking jurisdiction over in 1996.

Just the Interior Columbia Basin Ecosystem Basin Plan area is 144 million acres including all of eastern Washington, eastern Oregon, all of Idaho, western Montana and smaller parts of California, Utah and Wyoming. The International Joint Commission is proposing to expand its jurisdiction to include massive areas of all the border states and some other northern tier states from Washington to Maine using watershed and ecosystems management as their tools. Their plan is to use Watershed Management to spread expanded jurisdiction across as much of the United States as possible.

The International Joint Commission (IJC) is going far beyond anything in the original scope of the treaty.*

The three U.S. Commissioners are presidential appointees. The Chairman, Lana Pollack, was appointed by President Obama in 2010. She is the former President of the Michigan Environmental Council, comprised of 70 environmental organizations.

-----Like 13 federal agencies, the Commission subscribes to an ecosystems management policy, adopted in 1993 by former Vice President Al Gore.

-----Ecosystems management, which is just a theory, has never been approved by Congress and has been discredited by ecologists since World War II. For background, read Alston Chase's great book, "In A Dark Wood."

The Commission has enormous influence with Federal regulatory agencies, including the Environmental Protection Agency, Corps of Engineers, National Park Service, U.S. Forest Service, U.S. Fish and Wildlife Service and U. S. Bureau of Land Management.

A pilot project has just been approved for northern Minnesota and northwest Ontario by both the US and Canadian governments through the U.S. State Department and the Canadian Department of Foreign Affairs. This pilot project is intended to be a model for governance and is likely to broaden regulatory powers and management by the US

Regulatory Agencies. The intent of this pilot project is to create a government model that can be applied to the other international watersheds and will likely lead to the expansion of regulatory powers and jurisdiction by US regulatory agencies.

-----Myth: "Were here to give more power to the local people"

Reality: This is a plan to expand Federal power over vast areas of rural America. *Additional pilot projects are being planned* for other areas in the border and northern states and Canada. The program represents a new and imminent threat to private property rights, state's rights, rural America, local communities, access and use of Federal lands, outdoor recreation, small business, mining, timber harvesting, energy production, and other interests.

For a Map of known IJC Areas Go to www.landrights.org
<<http://www.landrights.org/> and look for *International Joint Commission* on Home Page. Further expansion appears likely.

*IJC Bullet Points:

Here are some bullet points about the first pilot project of the IJC Minnesota/Canada pilot project for this massive initiative that the Commission intends to spread across the country:

-----The 184-page IJC report concluded that "there is broad agreement that water quality is threatened, that ecosystem health is deteriorating, that communication is not encompassing, and that current government mechanisms are fragmented." (Note: This not only appears to be blatantly false, but an insult to local people, their elected officials, and state and local agencies).

-----The report further concludes that the IJC's ongoing efforts will "most importantly, be best for the watershed itself." (Think about what this statement means!).

-----The IJC appointed a long-time National Park Service employee to a newly created 'citizen member' position on an important control board, apparently without any formal application process (Note: This is a clear conflict of interest and a mockery of the democratic process).

-----A U.S. district court judge ruled that the designation of a federal wilderness area in northern Minnesota did not conflict with the Boundary Waters Treaty because it was a latter-enacted statute (Note: A U.S. statute cannot trump a treaty--this is taught in law school 101!)

-----The same judge ruled that the U.S. had no reason to believe that banning dozens of border lakes to motorized recreation was in error because Canada had already closed the Canadian portion of dozens of border lakes to motorized recreation. The Canadian Government, in a formal legal opinion, strongly disagreed with the opinion of the U.S.

Judge by saying that Ontario, not Canada, closed the lakes, and that Canada, not Ontario is a party to the Treaty. (Note: This is also taught in law school 101). This issue still hasn't been resolved.

-----In a lawsuit challenging National Park Service boating restrictions on border waters, the case was referred to a federal magistrate instead of going directly to District Court where it belonged (How in the world can this happen?)

-----The federal magistrate ruled in favor of the National Park Service (Surprise, surprise!).

-----A boater's association later discovered that approximately 45 minutes were missing from the hearing transcript in the above case. Requests to review the audio tape of the hearing were refused by the court. The IJC has no business expanding their domain until existing Treaty conflicts have been resolved. For more information about the IJC:

Google International Joint Commission or IJC.

* * *Solution:* A grassroots organizational effort by local people and their elected officials at all levels is needed to prevent further Federal expansion and control of lands and waters by the *IJC and U.S. Regulatory Agencies and other Obama water initiatives*. This effort must be nationwide copying your successful nationwide defeat of CARA, the Conservation and Reinvestment Act in 2000 and the Interior Columbia Basin Ecosystem Plan in the 90's.

It has been demonstrated that local alternatives to top-down federal programs are better, faster, and cheaper, and more consistent with constitutional principles.

Action Items:

-----1. Please forward this e-mail to at least 10 other people. Your whole list if possible. You can edit out the appeal by American Land Rights for contributions if you wish. We hope you won't but this message is so important that it needs to spread like wildfire.

-----2. Contact both your Senators by calling (202) 224-3121. Or write: (send by fax if you can): Honorable (Your Senator), US Senate, Washington DC, 20510. Ask for the fax number when you call.

-----3. Call your Congressman at (202) 225-3121. Write (use fax if you can) your Congressman at: Honorable (Your Representative), US House of Representatives, Washington, DC 20515. Be sure to ask for the staff persons e-mail and fax when you call.

-----4. Call your county commissioners and other local elected officials, legislators. Alert them to this pending threat to your rights and property. Ask them to demand that the International Joint Commission (IJC) hold hearings in affected areas and that the House and Senate hold Congressional hearings on this issue before it gets off the ground.

Ask your Members of the House and Senate to use whatever tools they have to block the IJC until Congress gets a chance to place the IJC under control. Congress must take away funding for the IJC.

Please join American Land Rights and many other groups in stopping the International Joint Commission from taking control of a huge area of the United States. You can support this effort by sending your contribution for \$1,000, \$500, \$200, \$100, \$50, \$35, \$25 or whatever you can afford. This threat is huge and must be taken seriously. Action must happen quickly. Your support will allow American Land Rights to send tens of thousands of letters, faxes and e-mails to your allies and friends to get them into action.

Your support is needed to help our efforts to keep you informed about the IJC and other threats. Please help by joining ALRA or send a contribution to American Land Rights.

Go to www.landrights.org <<http://www.landrights.org/>> to make a contribution or send a check for \$35 to American Land Rights, PO Box 400, Battle Ground, WA 98604. Please mail your check with "In A Dark Wood" written in the notation section. Please send an extra \$3.99 to cover shipping.

With the Endangered Species Act battle heating up over the Sage Grouse and the past war over the Spotted Owl, Ecosystem Management is as hot an issue today as ever.

With your NEW Membership you will receive a free copy of "In A Dark Wood" by Alston Chase. List price: \$29.25. ALRA believes this is the best book available about ecosystem management and the Endangered Species Act. Experts have said it is one of the top 100 books of the 20th century. American Land Rights has acquired a limited number of copies of the hardback edition of the book that are no longer available in bookstores. Hurry with your new Membership. Supplies are limited. *In a Dark Wood: The Fight Over Forests & the Myths of Nature * by Alston Chase.

Here is a Review by Felicitas Kraemer: "In a Dark Wood" presents a history of debates among ecologists over what constitutes good forestry, and a critique of the ecological reasoning behind contemporary strategies of preservation, including the Endangered Species Act. Chase argues that these strategies, in many instances adopted for political, rather than scientific reasons, fail to promote biological diversity and may actually harm more creatures than they help. At the same time, Chase offers examples of conservation strategies that work, but which are deemed politically incorrect and ignored.

In a Dark Wood provides the most thoughtful and complete account yet written of radical environmentalism. And it challenges the fundamental--but largely unexamined--assumptions of preservationism, such as those concerning whether there is a "balance of nature," whether all branches of ecology are really science, and whether ecosystems exist. In his new introduction, Chase evaluates the response to his book and reports on recent developments in environmental science, policy, and politics.

In a Dark Wood was judged by a recent national poll to be one of the one hundred best nonfiction books written in the English language during the twentieth century. A smashing good read, this book will be of interest to environmentalists, ecologists, philosophers, biologists, and bio-ethicists, and anyone concerned about ecological issues.

Readers who want more background on the Endangered Species Act (ESA) and ecosystem management should also read "Playing God In Yellowstone" also by Alston Chase.

American Land Rights is a team player and coalition builder. It is important to stress that you should continue to support any groups that you are already a member of. We hope you will also support American Land Rights.

Thank you in advance for your support in getting this message out.

Sincerely,

Chuck Cushman
American Land Rights
(360) 687-3087 – ccushman@pacifier.com
<mailto:ccushman@pacifier.com>

PS. It is impossible to overstate how important it is to quickly call both your Senators and your Congressman about the International Joint Commission. The IJC is ecosystem management on steroids. American Land Rights must alert your allies and friends quickly to get Congress to stop this massive land and water grab. Please send your special contribution for whatever you can afford to American Land Rights. PO Box 400, Battle Ground, WA, 98604. Or go to www.landrights.org <<http://www.landrights.org/>

To unsubscribe, please send an email with "unsubscribe" in the subject line to ALRA@pacifier.com. Please forward this urgent message widely.